

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION -FLINT

UNITED STATES OF AMERICA,

Plaintiff, CASE NO.: 02-CR-50009-1FL

vs.

HON. PAUL V. GADOLA
MAG. JUDGE WALLACE CAPEL, JR.

JERMAINE LAMAR WYATT,

Defendant.

ORDER OF DETENTION
PENDING REVOCATION PROCEEDINGS

The Defendant appeared before the Court on October 31, 2005, based upon a Petition and Warrant for violation of his conditions of supervised release, filed on October 17, 2005.

The Defendant is charged with violation of the Mandatory Condition by being arrested for the offense of operating a motor vehicle without a valid driver's license. At the time of the traffic stop he was also found to be in possession of cocaine. A loaded handgun was also found in the vehicle. He is also charge with violation of Special Condition No. 2 by being ticketed by the Tuscola County Sheriff's Department for having an open intoxicant in his possession.

The report of the Probation Officer in this matter indicates that the Defendant began his term of supervised release on October 24, 2003.

Based upon the information presented at the hearing, it appears that the Defendant has failed to comply with the terms of supervised release by being in the possession of illegal substances, and for using alcohol. More importantly however, the Court is concerned with the Defendant's possession of a loaded handgun at the time of his traffic stop. It appears that he has violated the

terms of his supervised release. Furthermore, the Court finds that the Defendant poses a risk of danger to the community based upon his possession of a loaded weapon.

Accordingly, the Defendant shall be detained without bond in this matter pending further proceedings before the district court judge.

The Defendant is hereby remanded to the custody of the United States Marshal.

IT IS SO ORDERED.

DATED: November 1, 2005

s/ Wallace Capel, Jr.

WALLACE CAPEL, JR.

United States Magistrate Judge

CERTIFICATE OF SERVICE

I hereby certify that on November 1, 2005, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send such notification of such filing to the following: Robert Haviland, AUSA, David Koelzer, Federal Defender Office, and I hereby certify that I have mailed by United States Postal Service/hand delivered the paper to the following non-ECF participants: United States Marshal, 600 Church St., Flint, Michigan 48502, Probation Officer, 600 Church St., Flint, Michigan 48502

s/ James P. Peltier

James P. Peltier

Courtroom Deputy Clerk

U.S. District Court

600 Church St.

Flint, MI 48502

810-341-7850